

grounded on Flowers' contention that the probable cause hearing was not completed within fourteen (14) calendar days after notification of his detention as required by the procedural rules developed and promulgated by the Oklahoma Department of Corrections.

During state post-conviction proceedings, the Oklahoma Court of Criminal Appeals ("OCCA") addressed and rejected Flowers' due process claim. Flowers v. State, No. PC-2008-292 (Okla. Crim. June 10, 2008). Accordingly, this Court may only grant habeas relief if the OCCA's adjudication of Flowers' claim "was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the [United States] Supreme Court . . . , " 28 U.S.C. § 2254(d)(1), or "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." Id. § 2254(d)(2). Thus, Flowers is entitled to federal habeas relief only if he has demonstrated that the OCCA's adjudication of his claim "was 'legally or factually unreasonable.'" Gipson v. Jordan, 376 F.3d 1193, 1197-98 (10th Cir. 2004) (quoting Aycox v. Lytle, 196 F.3d 1174, 1178 (10th Cir. 1999)).

In applying the foregoing standards, the Court finds the OCCA's decision that Flowers' due process rights had not been violated was neither contrary to, nor an unreasonable application of, clearly-established Supreme Court precedent. E.g., Morrissey v. Brewer, 408 U.S. 471 (1972).

Because Flowers has advanced no grounds that warrant federal habeas relief, the Court

(1) ADOPTS the Supplemental Report and Recommendation issued on October 27, 2008;

(2) DENIES the Petition file-stamped July 14, 2008;

(3) DENIES Flowers' Motion for Appointment of Counsel [Doc. 28] file-stamped October 28, 2008, and to the extent, such matters remain pending, DENIES Flowers' Motion for Entry of Default by the Clerk [Doc. 11] file-stamped August 25, 2008, his Opening Motion for Summary Judgment [Doc. 15] file-stamped August 29, 2008, and his Opening Motion to Strike [Doc. 16] file-stamped September 8, 2008; and

(4) ORDERS that judgment in favor of respondent Bruce Howard, Warden, issue forthwith.

ENTERED this 3rd day of December, 2008.


LEE R. WEST
UNITED STATES DISTRICT JUDGE